

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL BAIL APPLICATION NO.1227 OF 2006

IN

CRIMINAL APPEAL NO.1153 OF 2006

Avinash Chandrakant Choudhary : Applicant.

versus

The State of Maharashtra : Respondent.

Mr.Kuldeep Patil i/by Mr.Yogesh Pawar for the
applicant.

Smt.M.M.Deshmukh, APP, for the State.

CORAM : D.G.DESHPANDE

SMT.NISHITA MHATRE, JJ.

DATED : APRIL 04, 2007.

P.C.

1. Heard the learned advocate for the
applicant/original accused No.1 and the learned
APP for the State.

2. This is an application for bail. The applicant/original accused is convicted under Section 302 of the Indian Penal Code. As per the case of the prosecution, one Tantrik was killed by the accused because the victim used to tease a newly married girl whose marriage was performed on account of his intervention. The accused is related to the said girl. It is alleged that while the victim and the complainant were going on motorcycle, they were obstructed by two persons and the applicant/accused gave two blows by dagger, one on the thigh and other on the buttocks of the victim. The accused is a young boy of 22 years of age. From the injuries it does not appear, at least at this stage, that the accused had any intention to kill the victim. The learned APP for the State pointed out that one case of 2002 is pending against the applicant/accused. But that is not sufficient to show that the applicant/accused is a habitual criminal. Therefore, considering the facts and circumstances of the case, the applicant/accused be released on bail on his P.R. bond of Rs.15,000/- with one or two sureties in the like amount. He will report to the concerned police

station once in a month in the first week till the appeal is finally disposed off. His substantive sentence is suspended. He will have to pay fine, if any, imposed upon him, before he is released on bail. The application is disposed off.

[D.G.DESHPANDE, J]

[SMT.NISHITA MHATRE, J]